

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

STEVE ROBERTS,

Plaintiff,

v.

Case No. 14-10273  
Hon. Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION  
and  
DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation. **[Doc. No. 17, filed October 17, 2014]** Timely objections and a response to the objections were filed in this matter. **[Doc. Nos. 18 and 19]**

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve

conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Roberts objects to the Magistrate Judge's finding that the ALJ's decision was consistent with the specific limitations imposed by the examining and treating physicians. The Court agrees with the Magistrate Judge that the ALJ's credibility determination and the ALJ's choice of hypothetical limitations posed to the Vocational Expert, were supported by substantial evidence. The Magistrate Judge found that the ALJ took into consideration Roberts' objectively proven functional limitations in the hypothetical posed to the VE and in the ALJ's decision. The Magistrate Judge reviewed the ALJ's findings and the record in reaching his conclusion that Plaintiff could perform a numerous number of unskilled inspection and security monitoring jobs, given Roberts' significant impairments. The Court accepts the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law.

For the reasons set forth above,

**IT IS ORDERED** that the Report and Recommendation of Magistrate Judge Charles E. Binder [**Doc. No. 17, filed October 17, 2014**] is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Objections [**Doc. No. 18, filed October 30, 2014**] are **OVERRULED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Reverse the Decision of the Social Security Commissioner and Order the Payment of Disability Benefits [**Doc. No. 13, filed June 26, 2014**] is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion for Summary Judgment [**Doc. No. 15, filed June 26, 2014**] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** with prejudice.

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: November 24, 2014

**Proof of Service**

The undersigned certifies that a copy of the foregoing **Order Accepting Report and Recommendation and Dismissing Action** was served on the attorneys and parties of record herein by electronic means or U.S. Mail on November 24, 2014.

s/Kim Grimes  
Acting in the Absence of  
LaShawn Saulsberry, Case Manager